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To:	Examiner Daniel Leon Robinson	Fax	703-872-9306	
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From:	Sujatha Subramaniam	Roche Tel. Fax	Diagnostics Operations, Inc. (317) 521-2851 (317) 521-2883	
Date:	November 5, 2004			
No. of pages:	19 (incl. cover sheet)			

Re:

U.S. Application No.: 09/810,635

Filed:

March 16, 2001

Inventor(s):

Martin Gerber et al.

Group Art Unit:

3742

Examiner:

Daniel Leon Robinson

Atty Docket No.:

WP 19306 US

RESPONSE TO FIRST OFFICE ACTION

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Date of Deposit Karla Biedenmeister

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November 5, 2004

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	Application Number	09/8	09/810,635				
TRANSMITTAL	Filing Date	Mar	March 16, 2001				
FORM	First Named Inventor Mar		artin Gerber et al.				
(to be used for all correspondence after initial filing)		Art Unit 374		42			
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Total Number of Pages in This Submission	19	Attorney Docket Number	WP	19306 US			
ENCLOSURES (Check all that apply)							
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▼ Fee Transmittal Form	╵	awings		Group Appeal Communication to Board of			
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Affidavits/declaration(s)		nange of Correspondence Addre	:68	Other Enclosure(s) (please identify			
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Response to Missing Parts/Incomplete Application							
Response to Missing Parts under 37 CFR 1.52 or 1.53							
SIGNATU	JRE OF	APPLICANT, ATTORNE	ΞΥ, Ο	R AGENT			
Firm or Sujatha Subramania							
individual name Roche Diagnostics Operations, Inc.							
Signature Muyatha &							
Date November 5, 2004							
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gethering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gethering, preparing, and submitting the complete dapplication form to the USPTO. Time will vary depending upon the individual case. Any comments on the gethering, preparing, and submitting the complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Palent and amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Palent and amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Palent and amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Palent and amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL									- 1		
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Effective 01/01/2003. Patent fecs ere subject to annual revision.											
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Name (Print/Type) Sujatha Subramaniam		distration No omey/Aceti		48	3,739	Telephone	317-521-2851				
		- WEY/OF				Date	November 5, 200	4			
Signature Date November 5, 2004 WARNING: Information on this form may become public. Credit card information entitle form. Provide credit card information and authorization on PTO-2038.							-2038.				

NO. 9901

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number FEE TRANSMITTAL Complete If Known **FOR FY 2004** Effective 01/01/2003. Patent fees are subject to annual revision. 10/810,635 Application Number March 16, 2001 Filing Date Martin Gerber et al. First Named Inventor 3742 Group Art Unil **Daniel Leon Robinson** Examiner Name ☐ Applicant claims small entity status. See 37 CFR 1.27 Attorney Docket Number-WP 19306 US (\$) 980.00 **Total Amount of Payment** FEE CALCULATION (continued) METHOD OF PAYMENT 3. ADDITIONAL FEES _] None Check Credit card Money U) Other Fee **Small Entity** Large Entity Order Paid Fee Description Fee Gode Fee Code ďŠ) Deposit Account: Surcharge - late filing fee or oath 65 1051 130 2051 Deposit Surcharge - late provisional filing fee or cover 2052 25 1052 50 Account 02-2958 sheeL Number 1053 Non-English specification 130 1053 130 Deposit For filling a request for ex parte reexamination Roche Diagnostics Operations, 1812 2,520 1812 2,520 Account Inc. Requesting publication of SIR prior to Name 1804 920 1804 920, Examiner's Action The Commissioner is authorized to: (check all that apply) Requesting publication of SIR after 1805 1,8401 1805 1.840" Examiner's Action ☑ Charge fee(s) indicated below Extension for reply within first month 55 1251 110 2251 ☑ Charge any additional fee(s) during the pendency of this application. excluding the payment of Issue fees Extension for reply within second month 2252 215 430 Charge fee(s) indicated below, except for the filing fee to the above-1252 identified deposit account. 980 Extension for raphy within third month 1253 980 2253 490 FEE CALCULATION Extension for repty within fourth month 2254 765 1254 1.530 1. BASIC FILING FEE 1,040 Extension for reply within fifth month 2255 1255 2.080 Small Entity Large Fee Entity Fee Fee Paid Fee Description Notice of Appeal 1401 340 2401 170 Code Fee (\$) Fee (\$) Code Fring a brief in support of an appeal 170 340 2402 Utility Filling Fee 1402 1001 790 2001 395 Request for oral hearing 150 1403 300 2403 Design Filing Fee 175 1002 350 2002 Petition to institute a public use proceeding 1451 1,510 1451 1,510 Plant Filing Fee 275 1003 550 2003 Relasua Filing Petition to revive - unavoidable 55 1452 110 2452 1004 790 2004 395 Fee Provisional Filing Pelition to revive - unintentional 2453 685 1453 1,370 160 2005 80 1005 Utility Issue fee (or reissue) 1,370 2501 865 1601 SUBTOTAL (1) (\$) 0 490 2502 245 Design issue fee 1502 2. EXTRA CLAIM FEES Fee Paid Extra Fee From Below 2503 330 Plant lague fee 1509 660 Claims Petitions to the Commissioner 130 Total Claims -20** = Х 18 1460 130 1460 -3** 88 50 1807 50 Petitions related to provisional applications X 1807 Independent = Submission of Information Disclosure Stmt 180 1806 180 1808 Muliiple Dependent Recording each patent assignment per 40 8021 40 8021 property (times number of properties) Filing a submission after final rejection (37 rea Description Large Entity Small Entity 395 1809 2809 790 CFR 1.129(a)) Foa Fee Fee Fee For each additional invention to be examined Code (5) Code (5) 2810 395 1810 790 (37 CFR 1.129(b)) 2202 9 Claims in excess of 20 1202 18 790 2801 395 Request for Continued Examination (RCE) 1801 1201 2201 44 independent claims in excess of 3 88 Request for expedited examination of a 2203 150 300 1203 1602 900 1802 900 Multiple dependent claim, if not paid design application "Reiasue Independent claims over 88 2204 44 1204 original patent Other Fee (specify) "Relasue daims in excess of 20 2205 1205 18 and over original patent (\$) 980.00 Reduced by Basic Filing Fee Pald SUBTOTAL (3) SUBTOTAL (2) (\$) 0 for number previously paid, if greater; For Reissues, see above SUBMITTED BY Registration No. 317-521-2851 Name (Print/Type) 48,739 Telephone Sujatha Subramaniam (Attorney/Aceat) November 5, 2004 Dale Signature WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Docket No. WP 19306 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Gerber et al.

Application No.: 109/810,635

Group No.: 3742

Filed: March 16, 2001

Examiner: Daniel Leon Robinson

For: SUBCUTANEOUS ANALYTE SENSOR

Mail Stop No Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Responsive to the Office Action mailed May 13, 2004, Applicants respectfully request that the Examiner enter the following amendments. A Petition for Extension of Time for three (3) month(s) is submitted herewith.

Amendment to the Claims are reflected in the listing of the claims that begin on Page 2 of this paper.

Remarks begin on Page 11 of this paper; and

Conclusion begins on Page 13 of this paper.

CERTIFICATION UNDER 37 C.F.R. 1.8

Karla Biedenmeister

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 5, 2004